REMARKS

Reconsideration of the application is respectfully requested.

Claim objection

The Office Action, page 2, objected to claim 120 because the abbreviation "MRI" was not spelled out. Claim 120 is hereby amended according to the suggestion in the Office Action. This overcomes the objection to claim 120.

Double patenting rejection

Claims 87-90 were rejected under judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 7 of U.S. Patent No. 6,553,327 ("Degani"). Without conceding to the propriety of rejection, applicant herewith submits a terminal disclaimer to remove the rejection of double patenting.

Claims 102, 103 and 120-126 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Degani in view of U.S. Patent No. 5,204,625 ("Cline et al."). While applicant believes that this rejection is improper (see MPEP 804 II.B.1 for description of when double patenting is proper, specifically, "Obviousness-type double patenting requires rejection of an application claim when the claimed subject matter is not patentably distinct from the subject matter claimed in a commonly owned patent …When considering whether the invention defined in a claim of an application would have been an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art," see also, MPEP 804 Chart II-B). The terminal disclaimer submitted with this reply serves to remove this rejection as well.

Claim rejections under 35 U.S.C. §103(a)

The Office Action rejected claim 91 under 35 U.S.C. §103(a) as allegedly being unpatentable over Degani in view of Cline et al. Applicant respectfully traverses the rejection at least for the reason that Degani is not prior art against the present application. The present application is a continuation of U.S. Patent Application 10/342,509 which is a divisional of Degani. Accordingly, Degani and the present application have the same effective filing date (see, 35 U.S.C. §120) and therefore is not prior art. In addition, Cline et al. fails to disclose or suggest every element claimed in claim 91. Accordingly, the obviousness rejection of claim 91 over Degani and Cline et al, alone or in combination, is believed to be improper.

Allowable subject matter

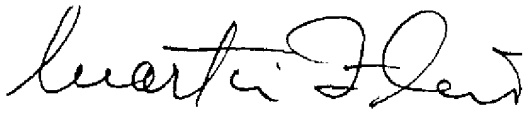
Claims 92-101 are allowed. Accordingly, in view of the above remarks, applicant believes that all pending claims are now allowable.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance (including cancellation of the withdrawn claims). A favorable Office Action is hereby earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the undersigned at the number provided below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7040-X04-018Con of CIP-Div)

Respectfully submitted,



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